

AMENDED IN ASSEMBLY JUNE 20, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 555

**Introduced by Senator Correa
(Principal coauthor: Senator Padilla)**

February 22, 2013

An act to amend Section 95020 of the Government Code, and to amend Sections 4512, 4642, 4643, and ~~4646~~ of 4646 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 555, as amended, Correa. Developmental services: regional centers: individual program plans and individualized family service plans.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP) or individualized family service plan (IFSP), developed in accordance with prescribed requirements. Existing law states that it is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, as specified.

This bill would require, *unless it is clearly not feasible to do so*, a regional center ~~to make every reasonable effort~~ to communicate in the family's native language during the IFSP planning process and to provide a copy of the IFSP in the family's native language. The bill would require the family's native language to be documented in the IFSP. The bill would similarly require, *unless it is clearly not feasible to do so*, a regional center ~~to make every reasonable effort~~ to communicate in the consumer's native language, or, when appropriate, the native language of his or her family, legal guardian, conservator, or authorized representative, during the IPP planning process and to provide a copy of the IPP in the native language of the consumer or his or her family, legal guardian, conservator, or authorized representative, or both. The bill would require the native language of the consumer or his or her family, legal guardian, or authorized representative, or both, to be documented in the IPP.

Under existing law, a person believed to have a developmental disability or to have a high risk of parenting a developmentally disabled infant is eligible for initial intake and assessment in the regional centers, as specified.

This bill would require, *unless it is clearly not feasible to do so*, a regional center ~~to make every reasonable effort~~ to communicate with the consumer and his or her family pursuant to those provisions in their native language.

This bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) California's diverse language and ethnic communities
- 3 account for about 60 percent of its population. The number of
- 4 people in the United States who do not speak English as their native
- 5 language has grown 140 percent over the past three decades. In
- 6 California, about 40 percent of Californians speak a language other
- 7 than English at home, and the number of individuals whose first
- 8 language is not English is rapidly growing.
- 9 (b) Health disparities can result in significant health, social, and
- 10 economic consequences. Culturally and linguistically competent
- 11 health care services can assist in achieving health equity. Health

literacy plays a central role in promoting quality of life, health development, and health behaviors across all groups and life stages.

(c) To address any disparities in the regional center system, it is the intent of the Legislature that the State Department of Developmental Services and regional centers ensure that all consumers and their families receive culturally and linguistically competent information, including written documents, about the individual program plan and individualized family service plan processes and procedures.

SEC. 2. Section 95020 of the Government Code is amended to read:

95020. (a) An eligible infant or toddler shall have an individualized family service plan. The individualized family service plan shall be used in place of an individualized education program required pursuant to Sections 4646 and 4646.5 of the Welfare and Institutions Code, the individualized program plan required pursuant to Section 56340 of the Education Code, or any other applicable service plan.

(b) For an infant or toddler who has been evaluated for the first time, a meeting to share the results of the evaluation, to determine eligibility and, for children who are eligible, to develop the initial individualized family service plan shall be conducted within 45 calendar days of receipt of the written referral. Evaluation results and determination of eligibility may be shared in a meeting with the family prior to the individualized family service plan. Written parent consent to evaluate and assess shall be obtained within the 45-day timeline. A regional center, local educational agency, or the designee of one of those entities shall initiate and conduct this meeting. Families shall be afforded the opportunity to participate in all decisions regarding eligibility and services. During intake and assessment, but no later than the individualized family service plan meeting, the parents, legal guardian, or conservator shall provide copies of any health benefit cards under which the consumer is eligible to receive health benefits, including, but not limited to, private health insurance, a health care service plan, Medi-Cal, Medicare, and TRICARE. If the individual, or, where appropriate, the parents, legal guardians, or conservators, have no such benefits, the regional center shall not use that fact to negatively impact the services that the individual may or may not receive from the regional center.

1 (c) Parents shall be fully informed of their rights, including the
2 right to invite another person, including a family member or an
3 advocate or peer parent, or any or all of them, to accompany them
4 to any or all individualized family service plan meetings. With
5 parental consent, a referral shall be made to the local family
6 resource center or network.

7 (d) The individualized family service plan shall be in writing
8 and shall address all of the following:

9 (1) A statement of the infant's or toddler's present levels of
10 physical development including vision, hearing, and health status,
11 cognitive development, communication development, social and
12 emotional development, and adaptive developments.

13 (2) With the concurrence of the family, a statement of the
14 family's concerns, priorities, and resources related to meeting the
15 special developmental needs of the eligible infant or toddler.

16 (3) A statement of the major outcomes expected to be achieved
17 for the infant or toddler and family where services for the family
18 are related to meeting the special developmental needs of the
19 eligible infant or toddler.

20 (4) The criteria, procedures, and timelines used to determine
21 the degree to which progress toward achieving the outcomes is
22 being made and whether modifications or revisions are necessary.

23 (5) (A) A statement of the specific early intervention services
24 necessary to meet the unique needs of the infant or toddler as
25 identified in paragraph (3), including, but not limited to, the
26 frequency, intensity, location, duration, and method of delivering
27 the services, and ways of providing services in natural generic
28 environments, including group training for parents on behavioral
29 intervention techniques in lieu of some or all of the in-home parent
30 training component of the behavior intervention services, and
31 purchase of neighborhood preschool services and needed qualified
32 personnel in lieu of infant development programs.

33 (B) Effective July 1, 2009, at the time of development, review,
34 or modification of an infant's or toddler's individualized family
35 service plan, the regional center shall consider both of the
36 following:

37 (i) The use of group training for parents on behavior intervention
38 techniques, in lieu of some or all of the in-home parent training
39 component of the behavior intervention services.

1 (ii) The purchase of neighborhood preschool services and needed
2 qualified personnel, in lieu of infant development programs.

3 (6) A statement of the agency responsible for providing the
4 identified services.

5 (7) The name of the service coordinator who shall be responsible
6 for facilitating implementation of the plan and coordinating with
7 other agencies and persons.

8 (8) The steps to be taken to ensure transition of the infant or
9 toddler upon reaching three years of age to other appropriate
10 services. These may include, as appropriate, special education or
11 other services offered in natural environments.

12 (9) The projected dates for the initiation of services in paragraph
13 (5) and the anticipated duration of those services.

14 (e) Each service identified on the individualized family service
15 plan shall be designated as one of three types:

16 (1) An early intervention service, as defined in subsection (4)
17 of Section 1432 of Title 20 of the United States Code, and
18 applicable regulations, that is provided or purchased through the
19 regional center, local educational agency, or other participating
20 agency. The State Department of Health Care Services, State
21 Department of Social Services, and State Department of Alcohol
22 and Drug Programs shall provide services in accordance with state
23 and federal law and applicable regulations, and up to the level of
24 funding as appropriated by the Legislature. Early intervention
25 services identified on an individualized family service plan that
26 exceed the funding, statutory, and regulatory requirements of these
27 departments shall be provided or purchased by regional centers or
28 local educational agencies under subdivisions (b) and (c) of Section
29 95014. The State Department of Health Care Services, State
30 Department of Social Services, and State Department of Alcohol
31 and Drug Programs shall not be required to provide early
32 intervention services over their existing funding, statutory, and
33 regulatory requirements.

34 (2) Another service, other than those specified in paragraph (1),
35 which the eligible infant or toddler or his or her family may receive
36 from other state programs, subject to the eligibility standards of
37 those programs.

38 (3) A referral to a nonrequired service that may be provided to
39 an eligible infant or toddler or his or her family. Nonrequired
40 services are those services that are not defined as early intervention

1 services or do not relate to meeting the special developmental
2 needs of an eligible infant or toddler related to the disability, but
3 that may be helpful to the family. The granting or denial of
4 nonrequired services by a public or private agency is not subject
5 to appeal under this title. Notwithstanding any other provision of
6 law or regulation to the contrary, effective July 1, 2009, with the
7 exception of durable medical equipment, regional centers shall not
8 purchase nonrequired services, but may refer a family to a
9 nonrequired service that may be available to an eligible infant or
10 toddler or his or her family.

11 (f) An annual review, and other periodic reviews, of the
12 individualized family service plan for an infant or toddler and the
13 infant's or toddler's family shall be conducted to determine the
14 degree of progress that is being made in achieving the outcomes
15 specified in the plan and whether modification or revision of the
16 outcomes or services is necessary. The frequency, participants,
17 purpose, and required processes for annual and periodic reviews
18 shall be consistent with the statutes and regulations under Part C
19 of the federal Individuals with Disabilities Education Act (20
20 U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in
21 regulations adopted pursuant to Section 95028. At the time of the
22 review, the parents, legal guardian, or conservator shall provide
23 copies of any health benefit cards under which the consumer is
24 eligible to receive health benefits, including, but not limited to,
25 private health insurance, a health care service plan, Medi-Cal,
26 Medicare, and TRICARE. If the parents, legal guardian, or
27 conservator have no such benefit cards, the regional center shall
28 not use that fact to negatively impact the services that the individual
29 may or may not receive from the regional center.

30 (g) (1) ~~A-Unless it is clearly not feasible to do so, a regional~~
31 ~~center shall make every reasonable effort to communicate in the~~
32 ~~family's native language during the planning process for the~~
33 ~~individualized family service plan, including during the~~
34 ~~individualized family service plan meeting.~~

35 (2) ~~A-Unless it is clearly not feasible to do so, a regional center~~
36 ~~shall make every reasonable effort to provide a copy of the~~
37 ~~individualized family service plan in the family's native language.~~

38 (3) The family's native language shall be documented in the
39 individualized family service plan.

1 SEC. 3. Section 4512 of the Welfare and Institutions Code is
2 amended to read:

3 4512. As used in this division:

4 (a) “Developmental disability” means a disability that originates
5 before an individual attains 18 years of ~~age~~, *age*; continues, or can
6 be expected to continue, ~~indefinitely~~, *indefinitely*; and constitutes
7 a substantial disability for that individual. As defined by the
8 Director of Developmental Services, in consultation with the
9 Superintendent of Public Instruction, this term shall include ~~mental~~
10 ~~retardation~~, *intellectual disability* cerebral palsy, epilepsy, and
11 autism. This term shall also include disabling conditions found to
12 be closely related to ~~mental retardation~~ *intellectual disability* or
13 to require treatment similar to that required for individuals with
14 ~~mental retardation~~, *an intellectual disability* but shall not include
15 other handicapping conditions that are solely physical in nature.

16 (b) “Services and supports for persons with developmental
17 disabilities” means specialized services and supports or special
18 adaptations of generic services and supports directed toward the
19 alleviation of a developmental disability or toward the social,
20 personal, physical, or economic habilitation or rehabilitation of an
21 individual with a developmental disability, or toward the
22 achievement and maintenance of independent, productive, and
23 normal lives. The determination of which services and supports
24 are necessary for each consumer shall be made through the
25 individual program plan process. The determination shall be made
26 on the basis of the needs and preferences of the consumer or, when
27 appropriate, the consumer’s family, and shall include consideration
28 of a range of service options proposed by individual program plan
29 participants, the effectiveness of each option in meeting the goals
30 stated in the individual program plan, and the cost-effectiveness
31 of each option. Services and supports listed in the individual
32 program plan may include, but are not limited to, diagnosis,
33 evaluation, treatment, personal care, day care, domiciliary care,
34 special living arrangements, physical, occupational, and speech
35 therapy, training, education, supported and sheltered employment,
36 mental health services, recreation, counseling of the individual
37 with a developmental disability and of his or her family, protective
38 and other social and sociolegal services, information and referral
39 services, follow-along services, adaptive equipment and supplies,
40 advocacy assistance, including self-advocacy training, facilitation

1 and peer advocates, assessment, assistance in locating a home,
2 child care, behavior training and behavior modification programs,
3 camping, community integration services, community support,
4 daily living skills training, emergency and crisis intervention,
5 facilitating circles of support, habilitation, homemaker services,
6 infant stimulation programs, paid roommates, paid neighbors,
7 respite, short-term out-of-home care, social skills training,
8 specialized medical and dental care, supported living arrangements,
9 technical and financial assistance, travel training, training for
10 parents of children with developmental disabilities, training for
11 parents with developmental disabilities, vouchers, and
12 transportation services necessary to ensure delivery of services to
13 persons with developmental disabilities. Nothing in this subdivision
14 is intended to expand or authorize a new or different service or
15 support for any consumer unless that service or support is contained
16 in his or her individual program plan.

17 (c) Notwithstanding subdivisions (a) and (b), for any
18 organization or agency receiving federal financial participation
19 under the federal Developmental Disabilities Assistance and Bill
20 of Rights Act of 2000, as amended, “developmental disability”
21 and “services for persons with developmental disabilities” mean
22 the terms as defined in the federal act to the extent required by
23 federal law.

24 (d) “Consumer” means a person who has a disability that meets
25 the definition of developmental disability set forth in subdivision
26 (a).

27 (e) “Natural supports” means personal associations and
28 relationships typically developed in the community that enhance
29 the quality and security of life for people, including, but not limited
30 to, family relationships, friendships reflecting the diversity of the
31 neighborhood and the community, associations with fellow students
32 or employees in regular classrooms and workplaces, and
33 associations developed through participation in clubs,
34 organizations, and other civic activities.

35 (f) “Circle of support” means a committed group of community
36 members, who may include family members, meeting regularly
37 with an individual with developmental disabilities in order to share
38 experiences, promote autonomy and community involvement, and
39 assist the individual in establishing and maintaining natural
40 supports. A circle of support generally includes a plurality of

1 members who neither provide nor receive services or supports for
2 persons with developmental disabilities and who do not receive
3 payment for participation in the circle of support.

4 (g) “Facilitation” means the use of modified or adapted
5 materials, special instructions, equipment, or personal assistance
6 by an individual, such as assistance with communications, that
7 will enable a consumer to understand and participate to the
8 maximum extent possible in the decisions and choices that effect
9 his or her life.

10 (h) “Family support services” means services and supports that
11 are provided to a child with developmental disabilities or his or
12 her family and that contribute to the ability of the family to reside
13 together.

14 (i) “Voucher” means any authorized alternative form of service
15 delivery in which the consumer or family member is provided with
16 a payment, coupon, chit, or other form of authorization that enables
17 the consumer or family member to choose his or her own service
18 provider.

19 (j) “Planning team” means the individual with developmental
20 disabilities, the parents or legally appointed guardian of a minor
21 consumer or the legally appointed conservator of an adult
22 consumer, the authorized representative, including those appointed
23 pursuant to subdivision (d) of Section 4548 and subdivision (e) of
24 Section 4705, one or more regional center representatives,
25 including the designated regional center service coordinator
26 pursuant to subdivision (b) of Section 4640.7, any individual,
27 including a service provider, invited by the consumer, the parents
28 or legally appointed guardian of a minor consumer or the legally
29 appointed conservator of an adult consumer, or the authorized
30 representative, including those appointed pursuant to subdivision
31 (d) of Section 4548 and subdivision (e) of Section 4705, and
32 including a minor’s, dependent’s, or ward’s court-appointed
33 developmental services decisionmaker appointed pursuant to
34 Section 319, 361, or 726.

35 (k) “Stakeholder organizations” means statewide organizations
36 representing the interests of consumers, family members, service
37 providers, and statewide advocacy organizations.

38 (l) “Substantial disability” means the existence of significant
39 functional limitations in three or more of the following areas of

1 major life activity, as determined by a regional center, and as
2 appropriate to the age of the person:

- 3 (1) Self-care.
- 4 (2) Receptive and expressive language.
- 5 (3) Learning.
- 6 (4) Mobility.
- 7 (5) Self-direction.
- 8 (6) Capacity for independent living.
- 9 (7) Economic self-sufficiency.

10 Any reassessment of substantial disability for purposes of
11 continuing eligibility shall utilize the same criteria under which
12 the individual was originally made eligible.

13 (m) "Native language" means the language normally used or
14 the preferred language identified by the individual and, when
15 appropriate, his or her parent, legal guardian or conservator, or
16 authorized representative.

17 SEC. 4. Section 4642 of the Welfare and Institutions Code is
18 amended to read:

19 4642. (a) (1) Any person believed to have a developmental
20 disability, and any person believed to have a high risk of parenting
21 a developmentally disabled infant shall be eligible for initial intake
22 and assessment services in the regional centers. In addition, any
23 infant having a high risk of becoming developmentally disabled
24 may be eligible for initial intake and assessment services in the
25 regional centers. For purposes of this section, "high-risk infant"
26 means a child less than 36 months of age whose genetic, medical,
27 or environmental history is predictive of a substantially greater
28 risk for developmental disability than that for the general
29 population. The department, in consultation with the State
30 Department of Public Health, shall develop specific risk and service
31 criteria for the high-risk infant program on or before July 1, 1983.
32 These criteria may be modified in subsequent years based on
33 analysis of actual clinical experience.

34 (2) Initial intake shall be performed within 15 working days
35 following request for assistance. Initial intake shall include, but
36 need not be limited to, information and advice about the nature
37 and availability of services provided by the regional center and by
38 other agencies in the community, including guardianship,
39 conservatorship, income maintenance, mental health, housing,
40 education, work activity and vocational training, medical, dental,

1 recreational, and other services or programs that may be useful to
2 persons with developmental disabilities or their families. Intake
3 shall also include a decision to provide assessment.

4 (b) ~~A-Unless it is clearly not feasible to do so, a regional center~~
5 ~~shall make every reasonable effort to~~ communicate with the
6 consumer and his or her family pursuant to this section in their
7 native language.

8 SEC. 5. Section 4643 of the Welfare and Institutions Code is
9 amended to read:

10 4643. (a) If assessment is needed, the assessment shall be
11 performed within 120 days following initial intake. Assessment
12 shall be performed as soon as possible and in no event more than
13 60 days following initial intake where any delay would expose the
14 client to unnecessary risk to his or her health and safety or to
15 significant further delay in mental or physical development, or the
16 client would be at imminent risk of placement in a more restrictive
17 environment. Assessment may include collection and review of
18 available historical diagnostic data, provision or procurement of
19 necessary tests and evaluations, and summarization of
20 developmental levels and service needs and is conditional upon
21 receipt of the release of information specified in subdivision (b).

22 (b) In determining if an individual meets the definition of
23 developmental disability contained in subdivision (a) of Section
24 4512, the regional center may consider evaluations and tests,
25 including, but not limited to, intelligence tests, adaptive functioning
26 tests, neurological and neuropsychological tests, diagnostic tests
27 performed by a physician, psychiatric tests, and other tests or
28 evaluations that have been performed by, and are available from,
29 other sources.

30 (c) At the time of assessment, the individual, or, where
31 appropriate, the parents, legal guardian, or conservator, shall
32 provide copies of any health benefit cards under which the
33 consumer is eligible to receive health benefits, including, but not
34 limited to, private health insurance, a health care service plan,
35 Medi-Cal, Medicare, and TRICARE. If the individual, or where
36 appropriate, the parents, legal guardians, or conservators, have no
37 such benefits, the regional center shall not use that fact to
38 negatively impact the services that the individual may or may not
39 receive from the regional center.

1 (d) ~~A-Unless it is clearly not feasible to do so, a regional center~~
2 ~~shall make every reasonable effort to~~ communicate with the
3 consumer and his or her family pursuant to this section in their
4 native language.

5 SEC. 6. Section 4646 of the Welfare and Institutions Code is
6 amended to read:

7 4646. (a) It is the intent of the Legislature to ensure that the
8 individual program plan and provision of services and supports
9 by the regional center system is centered on the individual and the
10 family of the individual with developmental disabilities and takes
11 into account the needs and preferences of the individual and the
12 family, where appropriate, as well as promoting community
13 integration, independent, productive, and normal lives, and stable
14 and healthy environments. It is the further intent of the Legislature
15 to ensure that the provision of services to consumers and their
16 families be effective in meeting the goals stated in the individual
17 program plan, reflect the preferences and choices of the consumer,
18 and reflect the cost-effective use of public resources.

19 (b) The individual program plan is developed through a process
20 of individualized needs determination. The individual with
21 developmental disabilities and, where appropriate, his or her
22 parents, legal guardian or conservator, or authorized representative,
23 shall have the opportunity to actively participate in the development
24 of the plan.

25 (c) An individual program plan shall be developed for any
26 person who, following intake and assessment, is found to be
27 eligible for regional center services. These plans shall be completed
28 within 60 days of the completion of the assessment. At the time
29 of intake, the regional center shall inform the consumer and, where
30 appropriate, his or her parents, legal guardian or conservator, or
31 authorized representative, of the services available through the
32 local area board and the protection and advocacy agency designated
33 by the Governor pursuant to federal law, and shall provide the
34 address and telephone numbers of those agencies.

35 (d) Individual program plans shall be prepared jointly by the
36 planning team. Decisions concerning the consumer's goals,
37 objectives, and services and supports that will be included in the
38 consumer's individual program plan and purchased by the regional
39 center or obtained from generic agencies shall be made by
40 agreement between the regional center representative and the

1 consumer or, where appropriate, the parents, legal guardian,
2 conservator, or authorized representative at the program plan
3 meeting.

4 (e) Regional centers shall comply with the request of a
5 consumer, or when appropriate, the request of his or her parents,
6 legal guardian, conservator, or authorized representative, that a
7 designated representative receive written notice of all meetings to
8 develop or revise his or her individual program plan and of all
9 notices sent to the consumer pursuant to Section 4710. The
10 designated representative may be a parent or family member.

11 (f) If a final agreement regarding the services and supports to
12 be provided to the consumer cannot be reached at a program plan
13 meeting, then a subsequent program plan meeting shall be
14 convened within 15 days, or later at the request of the consumer
15 or, when appropriate, the parents, legal guardian, conservator, or
16 authorized representative or when agreed to by the planning team.
17 Additional program plan meetings may be held with the agreement
18 of the regional center representative and the consumer or, where
19 appropriate, the parents, legal guardian, conservator, or authorized
20 representative.

21 (g) An authorized representative of the regional center and the
22 consumer or, when appropriate, his or her parent, legal guardian,
23 conservator, or authorized representative shall sign the individual
24 program plan prior to its implementation. If the consumer or, when
25 appropriate, his or her parent, legal guardian, conservator, or
26 authorized representative, does not agree with all components of
27 the plan, he or she may indicate that disagreement on the plan.
28 Disagreement with specific plan components shall not prohibit the
29 implementation of services and supports agreed to by the consumer
30 or, when appropriate, his or her parent, legal guardian, conservator,
31 or authorized representative. If the consumer or, when appropriate,
32 his or her parent, legal guardian, conservator, or authorized
33 representative, does not agree with the plan in whole or in part, he
34 or she shall be sent written notice of the fair hearing rights, as
35 required by Section 4701.

36 (h) (1) ~~A-Unless it is clearly not feasible to do so, a regional~~
37 ~~center shall make every reasonable effort to communicate in the~~
38 ~~consumer's native language, or, when appropriate, the native~~
39 ~~language of his or her family, legal guardian, conservator, or~~
40 ~~authorized representative, during the planning process for the~~

1 individual program plan, including during the program plan
2 meeting.

3 (2) ~~A~~ *Unless it is clearly not feasible to do so, a regional center*
4 ~~shall make every reasonable effort to provide~~ a copy of the
5 individual program plan in the native language of the consumer
6 or his or her family, legal guardian, conservator, or authorized
7 representative, or both.

8 (3) The native language of the consumer or his or her family,
9 legal guardian, conservator, or authorized representative, or both,
10 shall be documented in the individual program plan.